

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

VIRGINIA KERN, D.V.M.

Holder of License No. 0781
For the practice of Veterinary
Medicine in the State of Arizona,

Respondent.

) **Case No.: 19-07**

) **CONSENT AGREEMENT**
) **FINDINGS OF FACT**
) **CONCLUSIONS OF LAW**
) **AND ORDER**

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Virginia Kern, D.V.M. ("Respondent"), holder of license No. 0781 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing concerning this case. She further acknowledges that at such hearing she could

1 present evidence and cross-examine witnesses. Respondent irrevocably waives
2 her right to such a hearing.

3 3. Respondent irrevocably waives any right to rehearing or review or to
4 any judicial review or any other appeal of these matters.

5 4. The Consent Agreement, once approved by the Board and signed by
6 the Respondent, shall constitute a public record, which may be disseminated
7 as a formal action of the Board. Sufficient evidence exists for the Board to make
8 the Findings of Fact and Conclusions of Law set forth in the Consent
9 Agreement.

10 5. Respondent acknowledges and understands that this Consent
11 Agreement will not become effective until the Board approves it and it is signed
12 by the Board's Executive Director. Respondent acknowledges and agrees that
13 upon signing and returning this Consent Agreement to the Board's Executive
14 Director, Respondent may not revoke her acceptance of the Consent
15 Agreement or make any modifications to the document, regardless of whether
16 the Consent Agreement has been issued by the Executive Director.

17 6. If any part of the Consent Agreement is later declared void or
18 otherwise unenforceable, the remainder of the Order in its entirety shall remain
19 in force and effect.

20 7. Respondent acknowledges that any violation of this Consent
21 Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and
22 may result in disciplinary action pursuant to A.R.S. § 32-2234.

23 8. This Consent Agreement and Order is effective on the date signed by
24 the Board.
25

DATED this 7-14 day of Jan 2019
~~2018.~~


Virginia Kern, D.V.M.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of veterinary medicine in the State of Arizona.

2. Respondent holds license No. 0781 for the practice of veterinary medicine in the State of Arizona.

3. On May 3, 2018, "Charlie," a 14-year-old male Poodle was presented to Dr. Guminski, Respondent's associate, to have a blood glucose recheck. The dog had a weight = 6.2 pounds, a temperature = 99.7 degrees, a heart rate = 140bpm and a respiration rate = 35rpm; no general condition noted. The blood glucose = 70. Dr. Guminski recommended Complainants administer 3cc HW (honey water) – 1 Tbsp to 4oz of water every 15 minutes for 4 hours and decrease the insulin to 1 unit twice a day the following day. The dog was discharged with 12 cans of r/d and instructions to return next week.

4. Complainants stated that they did not give the dog honey and water every 15 minutes but approximately every 1 – 2 hours. The dog woke them several times that evening to go out to urinate, indicating high blood sugar. The following morning the dog would not eat and was not doing well.

5. On May 4, 2018, the dog was presented to Respondent for a recheck. The dog had a weight = 6.1 pounds, a temperature = 99.7 degrees, a heart rate

1 = 140bpm and a respiration rate = 30rpm; no general condition noted. The
2 blood glucose = 643. Respondent collected blood and urine for testing and
3 hospitalized the dog for treatment; the dog was also having hemorrhagic
4 diarrhea.

5 6. Respondent stated in her narrative that the dog had a urinary infection
6 along with high glucose. The dog also had a heart problem with a low thyroid,
7 which was also being treated. The dog was not started on IV fluids due to the
8 heart problem and the fact the dog was not vomiting. Respondent started the
9 dog with 1 unit Vetsulin and the glucose decreased to 307. The dog was also
10 started on the following medications:

- 11 a. Milk of Bismuth, 6 drops;
- 12 b. Barium 3cc every hour;
- 13 c. Baytril 3cc (concentration unknown);
- 14 d. Amoxicillin 1.5cc (concentration unknown);
- 15 e. Soloxine 0.2mg, ¼ tablet
- 16 f. Tylan 1/8 tsp; and
- 17 g. Vetmedin 1.25mg, ¼ tablet.

18 7. At 5:00pm, the dog was given 2 units of Vetsulin and fed ¼ can
19 Glycobalance and 1/8 can of a/d, which he ate well.

20 8. At 10:00pm, the dog's blood glucose was 617. Barium every hour was
21 continued throughout the night.

22 9. On May 5, 2018, treatments continued the same as the previous day; the
23 dog had a glucose = 483 therefore Respondent stated she administered 2 units
24 Vetsulin and had to force feed due to inappetence.

1 10. At 11:00am, the glucose = 45 and at noon = 89. More food was force
2 feed and the dog was given mirtazapine ¼ tablet. Honey water was also
3 started – 10cc. The dog began eating on his own.

4 11. At 5:00pm, the glucose = 156, the dog was medicated and fed a stew of
5 i/d and Glycoblance, which he ate.

6 12. At 8:00pm, the glucose = 612 and Respondent gave the dog 3 units of
7 Vetsulin.

8 13. At 11:00pm, the glucose = 92. The dog was not eating therefore he was
9 administered 10cc honey water every 15minutes until 4:00am. The glucose =
10 low, therefore the honey water continued.

11 14. On May 6, 2018, at 8:00am, the dog's glucose = 135, he ate 1/d stew
12 and was medicated with Tylan.

13 15. At noon, the glucose = 602 and 1 unit Vetsulin was administered.
14 Medications were continued – mirtazapine, Baytril, biosol, amoxidrops,
15 vetmedin and barium.

16 16. At 8:00pm, the dog was not eating, glucose = 460. He was force fed and
17 administered 2 units Vetsulin.

18 17. On May 7, 2018, at 4:00am, the glucose = 135.

19 18. At noon, the dog had a glucose = 282. Later that day, Complainants
20 visited the dog. Dr. Guminski discussed the blood work results and
21 recommended additional testing. Complainants declined and elected to
22 euthanize the dog.

23 CONCLUSIONS OF LAW

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1 19. The Findings of Fact constitute a violation of **A.R.S. § 32-2232 (21)** as it
2 relates to **A.A.C. R3-11-502 (L) (4)** for not documenting in the medical record
3 the results of exam, including general condition of the animal on May 4, 2018.

4 20. The Findings of Fact constitute a violation of **A.R.S. § 32-2232 (21)** as it
5 relates to **A.A.C. R3-11-502 (L) (7) (a)** for not documenting in the medical
6 record the concentration of Amoxicillin and Baytril administered to the dog.

7
8 **ORDER**

9 Based upon the foregoing Findings of Fact and Conclusions of Law, it is
10 **ORDERED** that Respondent, License No. 0781, be placed on **PROBATION** for a
11 period of **one (1) year**, subject to the following terms and conditions that shall
12 be completed within the Probationary period. These requirements include six (6)
13 hours of continuing education (CE) and a civil penalty as detailed below:

14 1. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT IS**
15 **ORDERED THAT** Respondent shall provide written proof satisfactory to the Board
16 that she has completed **six (6) hours of continuing education (CE)** in addition to
17 the existing continuing education required to renew a veterinary license.
18 Respondent shall satisfy these six (6) hours by attending CE in the area of
19 **medical record keeping**. Respondent shall submit written verification of
20 attendance to the Board for approval.

21 2. **IT IS FURTHER ORDERED** that Respondent pay a civil penalty of **five**
22 **hundred dollars (\$500.00)** in the form of a **cashier's check, certified check, or**
23 **money order** made payable to the Arizona Veterinary Medical Examining
24 Board on or before the end of the Probationary period.

1 3. Respondent shall submit to the Board a written outline regarding how she
2 plans to satisfy the requirement in paragraph 1 for its approval within sixty (60)
3 days of the effective date of this Consent Agreement. All continuing education
4 to be completed for this Consent Agreement shall be pre-approved by the
5 Board. The outline shall include **CE course** details including, **name, provider,**
6 **date(s), hours of CE** to be earned, and **a brief course summary.**

7 4. Respondent shall obey all federal, state and local laws/rules governing
8 the practice of veterinary medicine in this state.

9 5. Respondent shall bear all costs of complying with this Consent
10 Agreement.

11 6. This Consent Agreement is conclusive evidence of the matters described
12 and may be considered by the Board in determining an appropriate sanction
13 in the event a subsequent violation occurs. In the event Respondent violates
14 any term of this Consent Agreement, the Board may, after opportunity for
15 Informal Interview or Formal Hearing, take any other appropriate disciplinary
16 action authorized by law, including suspension or revocation of Respondent's
17 license.

18 ISSUED THIS 17th DAY OF January, 2018.⁹

19 FOR THE BOARD:

20 ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

21 Jim Loughead, Chairperson

22 By Victoria Whitmore

23 Victoria Whitmore, Executive Director

Original of the foregoing filed *ce*
This 17th day of January, 2018 with:


Arizona State Veterinary Medical Examining Board
1740 W. Adams St, Ste. 4600
Phoenix, Arizona 85007

Copy of the foregoing mailed by Certified, return receipt mail
This 11th day of February, 2018 to: *ce*

Virginia Kern, DVM
Address on file
Respondent

Copy of the foregoing mailed by regular mail
This 11th day of February, 2018 to: *ce*

David Stoll, Esq.
Beaugureau, Hancock, Stoll & Schwartz, PC
302 E. Coronado Rd
Phoenix, Arizona 85004

By: 
Victoria Whitmore, Executive Director